

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

William Henry Harlan,  
Petitioner

V.

Brian E. Williams, et al.,  
Respondents

2:15-cv-00799-JAD-PAL

## Order

In this mixed-petition case, I previously gave pro se petitioner William Harlan three options: (1) dismiss the unexhausted grounds in his petition and proceed with the exhausted grounds; (2) dismiss the case and return to state court to exhaust the unexhausted grounds; or (3) file a motion with me to stay and abey the exhausted claims while he returns to state court to exhaust his unexhausted claims.<sup>1</sup> Harlan chose the second option,<sup>2</sup> but he also asked me to “present him with a letter or motion notifying the lower court that he has been allowed to return to start his habeas petition over [and that] confirmation [is] necessary due to the fact that at this point [he] is legally time-barred from state court.”<sup>3</sup> In light of Harlan’s request, it is not clear that he understands the implications of dismissing this petition without prejudice, so I will give Harlan one more chance to consider his options so he can be sure of his decision.

22 Harlan is advised that I can't provide him with the letter he requests or  
23 direct the state court to consider his state habeas petition to be timely. I also advise

<sup>1</sup> ECF No. 15.

<sup>2</sup> ECF No. 19.

3 *Id*

1 Harlan to review the limitations periods for filing federal habeas petitions, which  
2 can be found in 28 U.S.C. § 2244(d), because those limitations periods may have a  
3 direct and substantial effect on whatever he choice he makes regarding his petition.

4 Accordingly, IT IS HEREBY ORDERED that Harlan has until December 4,  
5 2017, to advise the court whether he still wishes to dismiss his petition without  
6 prejudice or whether he would prefer to change his mind and select option one or  
7 three.

8 The Clerk of Court is directed to SERVE Harlan with a copy of my  
9 September 29, 2016, order<sup>4</sup> along with a copy of this order.

10 DATED: November 1, 2017.

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12 Jennifer A. Dorsey  
United States District Judge  
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<sup>4</sup> ECF No. 15.